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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,532

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Ian Anderson

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DYKEMA GOSSETT PLLC  
FRANKLIN SQUARE, THIRD FLOOR WEST  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/560,532

Applicant(s)

ANDERSON ET AL.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 9-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Election with traverse of Group I is acknowledged. Regarding the traversal, the may be a common concept, but the claims are distinct for the reasons provided in the last Office action.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the filter (of claim 5), electrodes (of claim 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claim 4, how does a "self-draining valve" (p. 7, last line) operate such that it may "prevent blockage" (p. 8, line 1) and serves as a "detector" (p. 7, line 2)? Where is the passage that the valve allegedly prevents "blockage" (p. 8, line 1) of?

As to claim 5, where might this filter be utilized? The filter is not found in either the written specification or drawings.

As to claim 6, how is this "proportional sampling device" made/used? On p. 8, what is a "bistable valve 52" that permits for permits for "opening and closing the proportional sampler valve 51"? Also, how is valve 51 a "proportional" type valve when that same valve is opened/closed by the "bistable valve 52"? (Doesn't "proportional" mean always "proportional"?)

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 8, lines 2-5 are inconsistent. Specifically, lines 2-3 states that the well 13 is "arraigned ... *to collect fluid flowing through a fluid tube*" (italics added), suggestive that the "fluid tube" corresponds to line 14 (of Figure 3A). Yet, lines 4-5 states that "fluid *from* the well may pass *to the* fluid tube" (italics added), suggestive that the "fluid tub" (line 5) corresponds to the vertically oriented sample tube of Figure 3A. Thus, it appears that the "fluid tube" (of line 5) is not the same as the "a fluid tube" (of line 2).

Claims 1,4,5,6 are rejected under 35 U.S.C. 102(e) as being anticipated by Pegram et al.

As to claim 1, Pegram et al teach (Figure 2) a "device" including: well (volume between inlet 48 and pipe 43's inlet); drain 43 at the end of the well; and sample tube 40 that passes sample from the well. The tube draws fluid from annular region 18, which is away from the main horizontal flow path of the well, and thus has "reduced" turbulence relative to that main flow path.

As to claim 4, note valve 36, and that fluid through the valve does exit at outlet 44.

As to claim 5, the pipe 38 may be deemed to be the sample tube, and vortex tube 40 does provide for filtering ("vortex tube 40 for removing the sample of the solid particulate content", col. 6, lines 53-54).

As to claim 6, an increase in speed along the horizontal axis of the main flow line results in a greater Delta P across tube 43, and thus a greater amount of sample

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passes through lines 40,38,,37. Thus, elements 43 (and coupling immediately to the right of element 43) provide for a proportional sampling device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pegram et al.

As to claim 7, it would have been obvious to employ threaded fluid connections in the assembly of Figure 2, as threads provide for simple fluid tight connections.

Claims 1,4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon.

As to claim 1, Gordon teaches (Figure 4) a device, including: well 44 to collect fluid flowing through a tube (bottom of funnel 41) connected to the well; drain 57 fluidly connected to the well; sample tube 54 to draw fluid from the well. The urine level does raise into the funnel 41, and thus the turbulence level is reduced near aperture 48. Also, the drain and well sizes are such that the level of fluid is in the funnel.

As to claim 4, note valve 51, which drains fluid into container 45.

Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon.

As to claim 3, Gordon suggests a "disposability" benefit to urine samplers, suggestive of such in the embodiment of Figure 4.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon as applied to claim 1 above, and further in view of Reid.

As to claim 8, Reid teaches use of a conductive probe to measure electrolyte concentration of urine, suggestive of testing Gordon's sampled urine with such a probe. Please note that the obvious device is as much a device as that claimed.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sundkvist et al.

As to claim 1, Sundkvist et al teach (Figures 1,2) a device, including: well 33 that collects liquid passing from a pipe 11; drain 18 fluidly connected to the end of the well; and sample tube 17/25/24 to draw liquid from a zone that lacks bubbles in a "quiet flowing conditions" (col. 4, line 21) zone. The dimensions of the well and drain permit for proper flow to provide bubble free and quiet conditions.

Claims 1,2,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaquith.

As to claims 1,2, Jaquith teaches (Figure 5) a sampling device, including: well R to collect fluid from a line (connected to inlet 22); drain connected to the well via outlet 23; sample tube 70 to draw fluid from the well (See Col. 5, lines 53-64), the device arranged such that fluid in the well is less turbulent as compared to the line from which it is drawn due to the sample liquid in the well R being generally stationary with respect to the flowing fluid in lines 22, 23.

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As to claims 6,7, note "proportionate" (col. 6, line 4), which relation exists due to the remaining structural components, including element 73 position.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hutchings et al and Johnson teach milk samplers.

Lewis sample milk with a conduit 18.


Comments related to non-elected claims that do not requiring any response by Applicant:

As to elected claim 26, what is a "depression" valve? What structure is related to the "depression" term?

As to claim 17, should "from" (line 2 from last) read --for--? Otherwise, what is the driver "from" mean?

The frame (claim 17), and agitation means (claim 23) are not illustrated in any figure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevs whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

  
RAEVS



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rowe  
RAEJIS